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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,020	02/20/2004	Stephen B. Siegel	6987-90555	7154

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WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

EXAMINER

PADGETT, MARIANNE L

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,020

Applicant(s)

SIEGEL, STEPHEN B.

Examiner

Marianne L. Padgett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/1/03, 3/3/05 & 3/2/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-14, 16, 18 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-14, 16, 18 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/3/5, 3/2/5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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- 1). Previous 112 problems were corrected by the 6/1/05 amendment & the 3 terminal disclaimers remove the 3 obviousness double patenting rejections of sections 3-5 of the 2/1/05 action.
- 2). Claims 1-6, 10-14, 16, 18 & 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Use of relative terms that lack clear metes & bounds in the claims or in a clear definition in the specification or cited prior art, is vague & indefinite. The term "uniform" is relative & it is unclear how the "applying..." is made uniform for an object that can be any shape or configuration or bulk material. For relatively planar coatings or layers on a specific surface going past on a conveyor or web, the context might be considered sufficient to define limits on uniform, but not for the breath claimed.

- 3.) Claims 1-6, 10-14, 16, 18 & 22-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Support for the breath of possible meanings for "uniformly applying..." is not clear, since as claimed treatment of any shape of article with ALL its surfaces (bottom, top, interior, etc) is included by new claim language, but clear enablement for this breath was not found, hence as written it appears to include New Matter in its scope.

- 4.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6). Claims 1-6, 10-14, 16, 18 & 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (6,561,640 B1), section 6 of the 2/1/05 action.

It was noted that Young teaches UV curing where UV curable substances (such as 4 or more colors of ink, each with different photoinitiators and cured by different wavelength ranges) are first partially cured, then completely cured. The sequential cure is preformed by moving the substrate relative to spaced apart curing stations, which may employ UV light emitting devices that may be arrays of diodes, with different wavelengths suggested for the selective cure of the different substances deposited (inks), where the UV emitting devices may additionally include UV lamps. They further teach properly selecting operating parameters to control the effectiveness of the curing, by manipulating power, intensity, direction, etc (col. 7, esp. lines 15-22), hence while there is no specific discussion of uniform application or scanning with the arrays, it would have been obvious to one of ordinary skill to arrange their multiple wavelengths to effectively distribute the light from the individual diodes in the array, in order to achieve the taught curing, which would logically or conventionally include making sure that like intensities of radiation are applied to all surfaces to be cured, as it is old & well known that uneven application of radiation can cause differential curing that may create defects such as wrinkling or roughness or incomplete curing, etc., which are generally undesirable. As previously stated, while emission of constant intensity from the LED array that Young may use is not discussed nor for other light sources, in col. 4, lines 20⁺, use of various light sources, as well as control of the various intensities and times of the emitted light is taught. In order to have the taught control and to have reproducible results, it would have been obvious to one of ordinary skill in the art to ensure that the output of the LED is constant as the substrates pass beneath, or the taught control would be meaningless.

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7). Biegelsen et al (6,536,889 B1) remains substantially similar to Young, and may be considered substantially equivalent for the claims, as section 7 of the 2/1/05 action.

8). Applicant's arguments filed 6/1/05 & discussed above have been fully considered but they are not persuasive.

9.) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10.) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne L. Padgett whose telephone number is (571) 272-1425. The examiner can normally be reached on M-F from about 8:30 a.m. to 4:30 p.m.

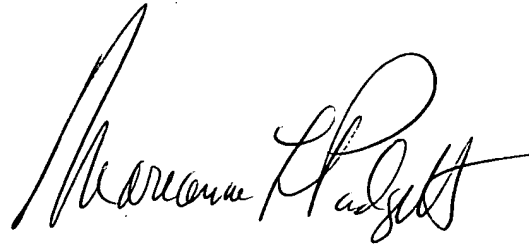
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks, can be reached at (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLP 8/22/05

A handwritten signature in black ink, appearing to read "Marianne Padgett". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

**MARIANNE PADGETT
PRIMARY EXAMINER**